

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KENDRICK WATERS

PLAINTIFF

v.

CIVIL ACTION NO. 1:21-cv-315-TBM-RPM

**BOBBY FAIRLY and TYLER
PRUITT**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION


This matter is before the Court on submission of the Report and Recommendation [19] entered by United States Magistrate Judge Robert P. Myers, Jr., on September 19, 2022. Judge Myers recommends that the Plaintiff's claims be dismissed without prejudice for failure to prosecute. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error" (*citing Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1))); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment). Having considered Judge Myers' Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [19] entered by United States Magistrate Judge Robert P. Myers, Jr., on September 19, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED the Plaintiff's claims are DISMISSED WITHOUT PREJUDICE for failure to prosecute.

THIS, the 21st day of October, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE